IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELALTE SIDE

WRIT PETITION NO. 8708 OF 2004

Daulatraj Bastimal Jain & Anr. ...Petitioners.
Vs.
M/s. Chinmay Enter[prises & Ors. ...Respondents.
....
Mr. Atul G.Damle for the Petitioners.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

October 21, 2005.

P.C.:

The impugned order of the Additional District Judge, Palghar, was passed on 14th October 2003 and the following directions were issued to govern the parties at the interlocutory stage during the pendency of the suit:

> "Appellants (Defendants) are allowed to fix the iron gate in order to protect their own property abutting to the municipality road known by name D. W. Raut, or at the entrance of same on condition that in any case they shall not disobey the impugned order dated 5.10.2001 passed by the Trial Court below Exh.5 and 34 in R. C. S. No.176/2001."

This petition has been filed almost one year after the order of the Learned District Judge. The delay is unexplained. The petition has not been circulated for admission for over a year since its institution. The interference of this Court on the purely interlocutory finding is not warranted under Article 227 of the Constitution. While disposing of this petition, it is clarified that all the observations in the impugned order are, however, at the interlocutory stage and shall not come in the way of the trial of the suit. The petition is accordingly dismissed.

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